In the High Court of Judicature at Madras

Dated: 07.03.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

W.P.No.4135 of 2007
& M.P.No.1 of 2007

V.Muthu .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Municipal Administration and Water
Supply Development, Fort St. George,
Chennai-600 009.

2.The Director of Town and Country
Planning Department, No.807,
Anna Salai, Chennai-600 002.

3.The Commissioner,
Thiruvallur Minicipality,
Thiruvallur.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvallur Town,
Thiruvallur District.

5.S.T.Perumal Chettiar
6.S.Bigam Chand
7.T.V.Subbarao
8.J.Veeraraghavan Pillai .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct respondents 1 to 3 to demolish the newly constructed unauthorised buildings and to remove the unauthorised development in the agricultural lands bearing S.Nos.159/2B, 160, 161 and 162 in Perumbakkam Village, Thiruvallur Taluk and District developed by the respondents 5 to 8 and their men, in accordance with the provisions of the Tamil Nadu Town and Country Planning Act within the time stipulated by this Court.

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For Petitioner : Mr.K.Premkumar
For respondents 1 & 2 : Mr.P.Subramanian, G.A.,
For 3rd respondent : Mr.I.Paranthaman
For respondents 5 to 8: Mr.S.Rajendrakumar for
M.S Norton & Grant

ORDER

(Order of the Court was delivered by P.SATHASIVAM,J.)

The petitioner, by name V.Muthu, has filed the above writ petition to issue a Writ of Mandamus directing respondents 1 to 3 to demolish the newly constructed unauthorised buildings and to remove the unauthorised development in the agricultural lands bearing S.Nos.159/2B, 160, 161 and 162 in Perumbakkam Village, Thiruvallur Taluk and District, developed by the respondents 5 to 8 and their men, in accordance with the provisions of the Tamil Nadu Town and Country Planning Act within the time stipulated by this Court.

2. Pursuant to the direction of this Court, the learned counsel appearing for respondents 5 to 8 has brought to our notice the order passed by the Government of Tamil Nadu in G.O.Ms.No.73 Housing and Urban Development (UD.4.1) Department dated 10.03.2005. A perusal of the said Government Order shows that on the basis of the request of the fifth respondent viz., S.T.Perumal Chettiar and five others, Tiruvallur, after accepting the remarks of the Commissioner of Town and Country Planning, the Government issued a notification for the change of the lands use of Survey Numbers 133/2, 159/1, 2A, 2B, 160/1,2,3, 161, 162, 163, `180/3, 185/2, 190/1,2,3, 191, 192/1,2 part and 193, and S.No.207/A10 of Perumbakkam village, Tiruvallur Municipality/Local Planning Area and District from Agricultural and Primary Residential use zone respectively into Mixed Residential use zone in the approved master plan of Tiruvallur local planning area.

3. It is also brought to our notice by the learned Government Advocate appearing for respondents 1 and 2 that in G.O.Ms.No.59 (Municipal Administration and Water Supply(Na.Nee.1) Department, dated 25.07.2006, the Government have regularised the housing flats and imposed certain conditions. In view of the same, we are of the view that the complaint made by the petitioner cannot be sustained.

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4. It is made clear that we have not expressed anything about the structure/building constructed in the place in question and it is for the appropriate authority to verify the same.

5. With the above observations, the writ petition is dismissed. No costs. Consequently, M.P.No.1 of 2007 is also dismissed.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Secretary to Government,
State of Tamil Nadu,
Municipal Administration and Water
Supply Development, Fort St. George,
Chennai-600 009.

2.The Director of Town and Country
Planning Department, No.807,
Anna Salai, Chennai-600 002.

3.The Commissioner,
Thiruvallur Minicipality,
Thiruvallur.

4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Thiruvallur Town,
Thiruvallur District.

+1 cc to Mr.I.Paranthaman, Sr.No.14317.
+1 cc to Mr.K.Premkumar, Sr.No.14162.
+1 cc to M/s.Norton & Grant, Sr.No.14103.
+1 cc to the Government Pleader, Sr.No.14094.

SKV(CO)
dcp/22.3.07

W.P.No.4135 of 2007

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